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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,219	08/28/2003	Robert Sesek	200206922-1	7112

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
LAM, HUNG H	
ART UNIT	**PAPER NUMBER**
2622	

MAIL DATE	DELIVERY MODE
11/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,219	SESEK ET AL.	
	Examiner	Art Unit	
	Hung H. Lam	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-9,12 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-9,12 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 11/19/07, have been entered and made of record. Claims 3, 10-11, 13 and 15-21 are canceled. Claims 1,2,4-9,12 and 14 are pending.

Response to Arguments

2. Applicant's arguments filed 11/19/07 have been fully considered but they are not persuasive.

The Applicants argue that the Applicant does not understand what changes are required in regarding to the Examiner's objection to the title of the invention and that the title is appropriate to the scope of the claims. The Examiner respectfully disagrees. The title of the invention should be descriptive of the invention claimed (Please see MPEP 606 [R-5] to 606.01[R-2]).

The applicants argue that Imagawa reference teaches away from the presently claimed subject matter in claim 1 because Imagawa requires the use of a map that programmed into a camera while the clam invention requires translating the range of magnetic bearing from the GPS coordinates to provide object coordinates. The Examiner respectfully disagrees. Imagawa not only uses the map information to calculate the shot position (Col. 5, Ln. 1-40), but also uses received information from a GPS antenna to calculate shot position. Therefore, the focal length

concerning to the shot object can be detected as the distance from the shot position to the shot object (Col. 4, Ln. 54-65; Col. 6, Ln. 12-40).

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since claim 12 is an improper hybrid claim calling for both an apparatus and the method steps of using the apparatus, claim 12 is indefinite under 35 U.S.C. 112, second paragraph. See MPEP 2173.05 (p). As both an apparatus and method are claimed in the same claim, it is vague and confusing as to what the metes and bounds of the claim set forth.

Claim 14 is rejected as being dependent on claim 12.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention. See MPEP 2173.05 (19).

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-2, 4-9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Imagawa (US-6,657,666).

With regarding **claim 1**, Imagawa discloses a method of capturing photographic image information, comprising:

providing a camera with a global positioning system receiver (position detection 2; Col. 4, Ln. 60-67);

capturing an image with the camera(Fig. 1; image information input device 1; Col. 4, Ln. 41-48);

determining a position of an object of the captured image (distance detector 3; Col. 4, Ln. 60-67); and

storing data indicative of the position of the object of the captured image with the image (recorder 8; Col. 5, Ln. 40-67).

obtaining global position coordinates of the camera(position detection 2; Col. 4, Ln. 60-67);

obtaining a range from the camera to the object (distance detector 3; Col. 4, Ln. 60-67);

obtaining a magnetic bearing of the object (Fig. 1; direction detector 4; Col. 5, Ln. 1-24; a compass is inherently included in order to detect the direction); and

calculating the position of the object of the captured image by translating the range and magnetic bearing from the global position coordinates to provide coordinates of the object (abstract; Col. 1, Ln. 19-65; Col. 4, Ln. 54-65; Col. 5, Ln. 1-Col. 6, Ln. 64).

With regarding **claim 2**, Imagawa discloses the method wherein the image is digital (Col. 4, Ln. 30-67; Col. 5, Ln. 40-67).

With regarding **claim 4**, Imagawa discloses the method and further comprising: associating captured data with a physical description of the subject of the captured image (Fig. 3-4; Col. 5, Ln. 1-50; Col. 7, Ln. 40-Col. 8, Ln. 67).

With regarding **claim 5**, Imagawa discloses the method wherein associating captured data with a physical description of the subject of the captured image comprises:

comparing the coordinates of the object of the photograph to a set of known coordinates (Col. 1, Ln. 40-Col. 2, Ln. 5; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67); and

embedding with the captured data textual information about objects having known coordinates corresponding to the coordinates of the object (Fig. 3-4; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67).

With regarding **claim 6**, Imagawa discloses the method wherein embedding further comprises retrieving textual information about the object at the known coordinates (Fig. 3-4; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67).

With regarding **claim 7**, Imagawa discloses the method further comprising: associating captured data with a physical description of the subject of the captured image (abstract; Fig. 3-4; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67).

With regarding **claim 8**, Imagawa discloses the method wherein associating captured data with a physical description of the subject of the captured image comprises:

comparing the coordinates of the object of the photograph to a set of known coordinates (Col. 1, Ln. 40-Col. 2, Ln. 5; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67); and

embedding with the captured data textual information about objects having known coordinates corresponding to the coordinates of the object (Fig. 3-4; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67).

With regarding **claim 9**, Imagawa discloses a method of capturing photographic image information, comprising:

providing a camera with a global positioning system receiver (position detection 2; Col. 4, Ln. 60-67);

capturing an image with the camera (Fig. 1; image information input device 1; Col. 4, Ln. 41-48);

obtaining global position coordinates of the camera (position detection 2; Col. 4, Ln. 60-67);

obtaining a range from the camera to the object (distance detector 3; Col. 4, Ln. 60-67);

obtaining a magnetic bearing of the object (Fig. 1; direction detector 4; Col. 5, Ln. 1-24; a compass is inherently included in order to detect the direction);

calculating the position of the object of the captured image by translating the range and magnetic bearing from the global position coordinates to provide coordinates of the object (abstract; Col. 1, Ln. 19-65; Col. 4, Ln. 54-65; Col. 5, Ln. 1-Col. 6, Ln. 64);

storing data indicative of the position of the object of the captured image with the image (recorder 8; Col. 5, Ln. 40-67); and

associating captured data with a physical description of the subject of the captured image (Fig. 3-4; Col. 5, Ln. 55-Col. 6, Ln. 65; Col. 7, Ln. 51-Col. 8, Ln. 67).

With regarding **claim 12**, Imagawa discloses a camera, comprising:

a processor (Col. 1, Ln. 7-17; Col. 4, Ln. 30-37: a processor is broadly interpreted as shot place and object extractor 6-7);

an image data capture module connected to the processor (Fig. 1; image information input device 1; Col. 4, Ln. 41-48), the image data capture module to capture image data corresponding to a position of an object of a photograph taken by the camera (Fig. 3; Col. 4, Ln. 31-67), the image data capture module comprising a global positioning system to record coordinate of the camera when a photographing is taken (Col. 4, Ln. 60-67), a range finder to record a range to the object of the photograph when the photograph is taken (distance detector 3; Col. 4, Ln. 60-67; Col. 5, Ln. 1-Col. 6, Ln. 64) and a compass to record a magnetic bearing of the object of the photograph when the photograph is taken (Fig. 1; direction detector 4; Col. 5, Ln. 1-24; a compass is inherently included in order to detect the direction); and

a storage element connected to the processor for storing images and captured image data (Fig. 1; recorder 8);

wherein the image data capture module captures an image by performing a method comprising:

using a global positioning system receiver to determine a camera position (position detection 2; Col. 4, Ln. 60-67);

capturing an image with the camera(Fig. 1; image information input device 1; Col. 4, Ln. 41-48);

determining a position of an object of the captured image by obtaining global position coordinates of the camera, obtaining a range from the camera to the object (distance detector 3; Col. 4, Ln. 60-67), obtaining a magnetic bearing of the object (Fig. 1; direction detector 4; Col. 5, Ln. 1-24; a compass is inherently included in order to detect the direction) and calculating the position of the object of the captured image by translating the range and magnetic bearing

from the global position coordinates to provide coordinates of the object (abstract; Col. 1, Ln. 19-65; Col. 4, Ln. 54-65; Col. 5, Ln. 1-Col. 6, Ln. 64); and

storing data indicative of the position of the object of the captured image with the image (recorder 8; Col. 5, Ln. 40-67).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imagawa in view of Mower (US-6,930,715).

With regarding claim 14, Imagawa fails to explicitly disclose the camera of claim 13, wherein the image data capture module further comprises: an inclinometer to record an inclination with respect to level of the camera when a photograph is taken.

In the same field of endeavor, Mower teaches a mobile imaging system comprising GPS, compass and inclinometer (Fig. 2; 210) wherein the compass and inclinometer provide a horizontal look direction for the image capturing device and a vertical direction therefor, respectively (Col. 4, Ln. 55-60). Mower further teaches that the invention satisfies the need to improve upon the use of maps by a remote viewer of a scene and provides a way of augmenting an image of a scene with information about the scene (Col. 1, Ln. 50-57). In light of the teaching from Mower, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the device of Imagawa by including the compact and inclinometer of Mower's in order to provide a horizontal look direction for the image capturing device and a vertical direction. The modifications thus satisfy the need to improve upon the use of maps by a remote viewer of a scene and provide a way of augmenting an image of a scene with information about the scene (Mower: Col. 1, Ln. 50-57).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Noriyuki (JP09-113.981) discloses a camera system using shot position from GPS system to specify concretely the shot place or shot object.

b) Kogan (US-2004/0,021780) discloses a camera calculating a position of features contained within a field of view of the digital image by using the geographic data received from GPS device.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LIN YE can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HL
11/25/07

LIN YE
SUPERVISORY PATENT EXAMINER